

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

JOSEPH SYKES,

Case No. 19-CV-2154 (NEB/ECW)

Plaintiff,

v.

ORDER ON REPORT AND
RECOMMENDATION

HAROLD JOHN KLEMP and
ECKANKAR,

Defendants.

ORDER

Pro se plaintiff Joseph Sykes, a citizen and resident of the United Kingdom, sued Defendants Eckankar, a nonprofit religious organization, and its leader, Harold John Klempe. (ECF No. 1 (“Compl.”) ¶ 7.) The complaint alleges that Klempe and Eckankar used “thought control” to assault Sykes and cause him severe emotional distress. (Compl. ¶ 8.) Defendants filed a motion to dismiss, a motion for sanctions, and a motion for a permanent injunction restraining Sykes from filing future actions against Defendants. (ECF No. 12.) Sykes then moved to file a surreply. (ECF No. 38.) In a July 15, 2020 Report and Recommendation, United States Magistrate Judge Elizabeth Cowan Wright recommends granting Defendants’ motion to dismiss, dismissing the action with prejudice as frivolous under 28 U.S.C. § 1915(e)(2)(B), denying Defendants’ request for an injunction and sanctions, and denying Plaintiff’s motion for leave to file a surreply.

(ECF No. 42 (“R&R”) at 26.) Having conducted a *de novo* review of Plaintiff’s objections, the Court overrules the objections and accepts the R&R. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b).

Sykes’s objections to the R&R largely repeat arguments that he presented to Judge Wright and that Judge Wright carefully and thoroughly addressed. Many of Sykes’s objections boil down to his reading of non-binding case law on “mind control,” arguing that these cases parallel his own and prevent dismissal. (*E.g.*, ECF No. 43 ¶¶ 5–7, 20–23.) They do not. The activities described in Sykes’s complaint are “projections” where the Defendants, from Minnesota, are able to telepathically enter Sykes’s mind and control his thoughts so that he perceives assaults. (*See generally*, Compl. ¶¶ 12–17.51.) The cases relied upon by Sykes do not involve claims of telepathy or other paranormal means of control. *See Molko v. Holy Spirit Ass’n for the Unification of World Christianity*, 762 P. 2d 46 (Cal. 1988) (involving claims that defendants used deceptive practice to persuade plaintiffs to join a religious organization); *Kropinski v. World Plan Exec. Council*, 853 F.2d 948, 954–55 (D.C. Cir. 1988) (defendant made fraudulent misrepresentations to induce plaintiff to continue practicing transcendental meditation); *Shamloo v. Lifespring, Inc.*, 713 F. Supp. 14 (D.D.C. 1989) (defendants used coercion and manipulation to convince plaintiff to participate in “training programs”). These cases, even if they were binding on this Court, do not save Sykes’s claims. As the R&R correctly determined, Sykes’s complaint is properly dismissed as frivolous.

The R&R also correctly determined that particularly given the gap of nearly two decades between Sykes' last frivolous lawsuit and this one, Defendants' motion for an injunction and sanctions should be denied. This Court echoes, however, Judge Wright's warning to Sykes against the filing of lawsuits based on the types of paranormal theories discussed at length in the R&R.

CONCLUSION

Based upon all the files, records, and proceedings in the above-captioned matter, IT IS HEREBY ORDERED THAT:

1. Plaintiff's Objections (ECF No. 43) are OVERRULED;
2. The Report and Recommendation (ECF No. 42) is ACCEPTED;
3. Plaintiff's Complaint is DISMISSED WITH PREJUDICE as frivolous under 28 U.S.C. § 1915(e)(2)(b);
4. The Motion to Dismiss Plaintiff's Complaint (ECF No. 12) is DENIED in PART as MOOT as it relates to claims and allegations against Defendants and DENIED in PART as it relates to the request for an injunction and sanctions; and
5. Plaintiff's Motion for Leave to File Surreply (ECF No. 38) is DENIED.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: September 28, 2020

BY THE COURT:

s/Nancy E. Brasel

Nancy E. Brasel

United States District Judge